

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2074.04
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	November 12, 2003
DATE OF REPORT:	December 9, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 19, 2003

COMPLAINT ISSUES:

Whether the Bloomfield School District and the Greene-Sullivan Special Education Cooperative violated:

511 IAC 7-27-4 by failing to utilize the case conference committee (CCC) to determine whether to change the student's placement after serving a suspension, and review and/or revise the student's individualized education program (IEP).

Additional Issues:

511 IAC 7-27-2 by failing to notify the parent in writing of the case conference committee (CCC) meeting scheduled on November 4, 2003.

511 IAC 7-29-1(l) by failing to follow the procedures required by IC 20-8.1-5.1-12 when suspending a student, including a student with a disability.

FINDINGS OF FACT:

1. The Student is eighteen-years old and is eligible for special education services as a student with an emotional disability (ED).
2. The Student was suspended for assault for three and a half days: October 29, 30, 31 and November 3, 2003.
3. On November 4, 2003, the Complainant returned the Student to the School by 8:30 a.m., as directed in the notice of student suspension form. That morning, the Complainant was expecting a conference but not a CCC meeting. The Special Education Director acknowledges that written notification of the November 4th CCC meeting was not sent to the parent.
4. At the November 4th case conference, the School suggested a change of placement for the Student. The CCC recommended another school for the Student to attend, and the Complainant agreed to visit that school before the next case conference set for November 7th. At the November 7th meeting, the committee decided on the Student attending his present school the first half of the day and attending a different school for English and behavioral support the last two periods of the day.

5. The Principal did not allow the Student to return to class after the November 4th meeting. The Principal stated it was understood that the Student would not return to school until after the November 7th meeting, and that the days missed would not be considered out of school suspension.
6. On November 6th, the Complainant spoke to a representative from the Division who instructed her to take the Student to the School and inform them that they were in violation of Article 7 by denying her son an education. The Student was allowed to return to class that day.

CONCLUSIONS:

1. Finding of Fact #4 indicates the School held two case conferences to determine whether to change the student's placement after serving a suspension, and review and/or revise the Student's individualized education program (IEP). Therefore, no violation of 511 IAC 7-27-4 is found.
2. Finding of Fact #2 indicates that the School failed to notify the parent in writing of the November 4th case conference; therefore, a violation of 511 IAC 7-27-2 is found.
3. Findings of Fact #5 and #6 indicate the Principal, in effect, suspended the Student on November 4, 5, and 6, and failed to follow the procedures required by IC 20-8.1-5.1-12 when suspending a student. Therefore, a violation of 511 IAC 7-29-1(l) is found.

The Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

1. The School shall reconvene a CCC meeting to determine how to compensate the Student for the three days of school missed, November 4 through the 6, by January 16, 2004. Submit to the Division the CCC summary notes no later than January 16, 2004.
2. Send a written memorandum to all appropriate special education personnel in regard to the requirements of 511 IAC 7-27-2 in which the public agency shall notify the parent in writing of the case conference committee (CCC) meeting. Submit to the Division the memorandum and a list of names of all personnel who received the memo no later than January 16, 2004.
3. Distribute a memorandum to the Principal reminding him of the requirements of 511 IAC 7-29-1 with special emphasis on IC 20-8.1-5.1-12. Submit to the Division the memorandum no later than January 16, 2004.